

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Seattle
FILE NUMBER: 200400304

REGULATORY PROJECT MANAGER: Romano **Date:** 2/7/05
PROJECT REVIEW/DETERMINATION COMPLETED: **In the office** Yes **Date:** 2/7/05
At the project site yes **Date:** 10/13/04

PROJECT LOCATION INFORMATION:

State: Washington
County: Snohomish and King
Center coordinates of site by latitude & longitudinal coordinates: 47-42-44/122-02-54
Approximate size of site/property (including uplands & in acres): 11.89 linear miles or 122.78 acres
Name of waterway or watershed: Sammamish River,

SITE CONDITIONS: 8 wetlands areas (SN-3.1, SN-8, SN-12, SN-14, SN-16, SN-17, SN-31, and SN-41) within the existing pipeline right-of-way. SN-3.1 (less than 1 acre) is depressional closed system consisting of emergent/scrub-shrub mosaic wetland seep created where excavation in uplands has daylighted groundwater which ponds on compacted soils. SN-8 (less than 0.1 acre) is very small depressional wetland consisting of emergent/scrub-shrub vegetation within the pipeline right-of-way surrounded by uplands with no surface outlet. SN-12 (less than 1 acres) is depressional closed system that occurs at a hillside cut on compacted soils within the pipeline right-of-way, consisting of emergent/shrub vegetation surrounded by uplands with not surface outlet. SN-14 (less than 1 acres) and SN-16 (less then 0.25 acres) are slope wetlands on a hillside cut within the pipeline right-of-way, consisting of emergent and scrub-shrub vegetation, surrounded by uplands with no surface water outlet. SN-17 (less than 0.3 acres) seasonally saturated emergent wetland on compacted soils within the pipeline right-of-way surrounded by uplands with no surface outlet. SN-31 (less than 0.5 acres) an emergent wetland within the pipeline right-of-way surrounded by highly porous, gravelly loam soils with no surface outlet. SN-41 (less than 0.1 acre) a small closed depression with peat soils, with emergent vegetation, within the pipeline right-of-way with no surface outlet.

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?		X			
Is or would be used as habitat by other migratory birds that cross state lines?		X			
Is or would be used as habitat for endangered species?		X			
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: **Preliminary** **Or** **Approved** X .

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): **Eight wetlands (SN-3.1, SN-8, SN-12, SN-14, SN-16, SN-17, SN-31, and SN-41) are within the existing pipeline right-of-way and have no surface water outlets. These wetlands were mostly likely created during the pipeline installation in the 1950s.**